

The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

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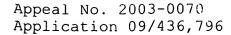
PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN R. DONOVAN and JOHN K. GALLANT

Appeal No. 2003-0070 Application 09/436,796.

ORDER REMANDING TO EXAMINER

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed September 25, 2003 (Paper No. 20). It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR SS 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.



Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration of the IDS filed September 25, 2003 (Paper No. 20) and appropriate written notification to appellants regarding the examiner's decision, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS AND INTERFERENCES

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KIMBERLY JORDAN

Program and Resource Administrator

(703) 308-9797

KJ:psb

cc:

Worldcom, Inc.

Technology Law Department

1133 19th Street N.W. Washington, D.C. 20036